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Assistant Commissioner for Patents  
Washington, D.C. 20231

PATENT  
Attorney Docket No.: 023070-079211US  
Client Reference No.: 97-315-2

On October 22, 2001  
TOWNSEND and TOWNSEND and CREW LLP

By: Joy M. Marshall

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fred Levine and Dominique  
Dufayet

Application No.: 09/522,376

Filed: March 10, 2000

For: INDUCTION OF BETA CELL  
DIFFERENTIATION IN HUMAN  
CELLS BY STIMULATION OF THE  
GLP-1 RECEPTOR

Examiner: L. Gansheroff

Art Unit: 1636

DECLARATION OF FRED LEVINE  
UNDER 37 C.F.R. § 1.132

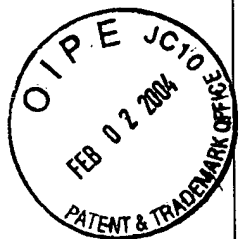
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Fred Levine, being duly warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. § 1001), and may jeopardize the validity of the patent application or any patent issuing thereon, state and declare as follows:

1. All statements herein made of my own knowledge are true, and statements made on information or belief are believed to be true and correct.

2. I am a named inventor on the above-referenced patent application and have control over the conditions of the deposit described herein.



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3. I certify that:

(a) The  $\beta$ lox5 cell line was deposited on July 19, 2001 with American Type Culture Collection (ATCC), 10801 University Blvd., Manassas, VA 20110-2209 and granted Accession number ATCC PTA-3532. The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(b) All restrictions, except those required by law or regulation for safety, health, or similar reasons, on the availability to the public of the cell lines identified in Paragraph (a) will be irrevocably removed upon the granting of a patent for the above-identified application. Access to the deposits will be available during pendency of the application to one determined by the Commissioner to be entered thereto under 37 CFR §1.14 and under 35 USC §122.

(c) The cell line identified in Paragraph (a) above will be maintained at the ATCC and replaced in the event of mutation, nonviability or destruction for a period of at least five (5) years after the most recent request for release of a sample was received by ATCC, for a period of at least thirty (30) years after the date of deposit, or during the enforceable life of the related patent, which period is longest.

Date: 10/18/01

By: 

Fred Levine



10801 University Boulevard  
Manassas, Virginia 20110-2209 USA  
703-365-2700 FAX: 703-365-2750  
EMAIL: sales@atcc.org

### BILL-TO:

124184  
University of California  
ATTN: Stevenson, Linda  
Office of the President  
Off. of Tech Transfer 5th Fl  
1111 Franklin St  
Oakland, CA 94607  
USA

Phone: 510-587-6000 FAX: 510-587-6090



### INVOICE

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, PLEASE REFERENCE YOUR  
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### SHIP-TO:

124184  
University of California  
1111 Franklin St  
Oakland, CA 94607  
USA

INVOICE  
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IV213705-124184

07/27/01

ATTN: Levine, Fred

Phone: 510-587-6044

FAX: 510-587-6090

Due 30 days from invoice

SALES ORDER #:		SO264221		INVOICE #:		IV213705		PO #: LEVINE		SHIPPED VIA: Airborne		
ORDER DATE:		07/26/01		INVOICE DATE:		07/27/01		FOB: Manassas, VA		SHIP DATE: 07/26/01		
SALESPERSON:		100		SOLD TO:		124184		BOL:				
#	ITEM NO	UM	QTY SHIP	QTY B.O.	TAX	DESCRIPTION					PRICE	NE PRI
						<p>Comments: (Ref: Docket or Case#:2000-249)</p> <p>ATCC Patent Deposit Date of deposit: 7-19-2001 Submit by: Fred Levine</p> <p>Human cell line: BLOX5 assigned PTA-3532.</p> <p>RECEIVED FEB 12 2004 TECH CENTER 1600/2500</p>						

Taxable Total: 0.00

Tax[1]: 07.50%

Tax[2]: 00.00%

Tax[3]: 00.00%

Amount Pre-paid: 0.00

Line Total:

Total Tax:

Prepaid Shipping:

30 Years Patent Storage:

Viability Testing:

00.00% Discount:

USD Grand Total:

#### ATTENTION!

Our remittance address is:

ATCC, PO Box 3605, Manassas, VA 20110

#### IMPORTANT-

On orders, inquiries, and payments, refer to this assigned ACCOUNT # 124184